



Water Quality NewsFlash

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Stream and Wetlands Policy – SWRCB developing statewide approach – As described in *NewsFlash* 06-24 the San Francisco Bay and North Coast Regional Water Quality Control Boards are developing Basin Plan amendments to provide protections to stream and wetlands systems, including riparian areas and floodplains. Regions 4 (LA) and 8 (Santa Ana) also have formal wetland-related planning underway potentially leading to Basin Plan changes.

The State Board is also developing a related policy which will complement the Regional Board efforts. This statewide policy is a follow-up to the Board's 2003 report to the Legislature, *Regulatory Steps Needed to Protect and Conserve Wetlands Not Subject to the Clean Water Act*. The state effort was triggered when some wetlands dropped out of the jurisdiction of the Clean Water Act because of the U.S. Supreme Court's SWANCC decision (see *NewsFlash* 04-41). The State Board informal draft policy will be issued shortly. Public listening sessions regarding the draft policy are tentatively scheduled for August. The State Board's report and associated workplan are posted: http://www.swrcb.ca.gov/cwa401/docs/wrkplan_filing_gaps_wet_prot_9_24_04.pdf and http://www.swrcb.ca.gov/legislative/docs/2003/wetlands_02supprpt.pdf

California's Porter-Cologne Act delegates complementary authorities to the State and Regional Water Boards. Statewide plans provide a "floor" for water quality protection, below which Regions may not fall. Generally, Regions may amplify and strengthen the statewide approach for Regional use, as long as they do not reduce the level of water quality protection provided. One of the functions of statewide plans is to achieve reasonable consistency in regulatory practice across the state, especially in difficult and potentially contentious regulatory areas. Regulation of dredge and fill discharges, especially in the context of wetland protection, is one such area. More information on State Board wetlands program: <http://www.swrcb.ca.gov/cwa401/> SF Bay and North Coast RB-developed policies: <http://www.waterboards.ca.gov/sanfranciscobay/streamandwetlands.htm> and <http://www.waterboards.ca.gov/northcoast/programs/basinplan/swspp.html>

Santa Ana Basin Plan – Triennial Review may consider modifying REC

standards – The Santa Ana Regional Water Quality Control Board held a stakeholder meeting June 6 to consider revisions to the Basin Plan as part of the Triennial Review mandated by the Clean Water Act. Several of the potential topics include revision to the Basin Plan's designated beneficial uses and associated water quality objectives. In particular, the Triennial Review may consider whether the REC-1 (body contact recreation) beneficial use should be modified by adopting a limited REC-1 designation for certain waters, adoption of a high flow suspension of REC-1 standards, and de-designation of certain water from REC-1. Storm water agencies have questioned the appropriateness of trying to attain the restrictive REC-1 bacteria standards during storm conditions. Unfortunately, when a use is proposed for de-designation, i.e., removal or replacement with a subcategory requiring less stringent standards, a use attainability analysis (UAA) is necessary. UAAs are expensive and historically have had difficulty being approved by both the Water Boards and U.S. EPA. More on Santa Ana Triennial Review: http://www.waterboards.ca.gov/santaana/html/basin_plan_review.html

WQ NewsFlash is a weekly update of storm water and related news for the Department. *Verify information before taking action on these bulletins.* Contact Betty Sanchez, Betty_Sanchez@dot.ca.gov (916) 653-2115, or Fred Krieger, (510) 843-7889, fkrieger@msn.com with questions or to be added or deleted from e-mail list. Posted online at: <http://www.dot.ca.gov/hq/env/stormwater/publicat/newsflash/index.htm>